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VIA ELECTRONIC FILING

Hon. Brian R. Martinotti
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Mark Sokolich, et al. v. United States Department of Transportation, et al.
Civil Action No.: 2:23-cv-21728-BRM-LDW

Dear Judge Martinotti:

This firm, together with Kaplan Hecker & Fink LLP, represents defendants Metropolitan Transportation Authority, John Janno Lieber, the Triborough Bridge and Tunnel Authority, Catherine Sheridan (who automatically replaced Daniel Decrescenzo per Fed. R. Civ. P. 25), the Traffic Mobility Board and Carl Weisbrod (collectively, the “MTA/TBTA Defendants”). We write with respect to two issues.

First, by letter dated December 21, 2023, plaintiffs seek “permission to appear in the first-filed action for purposes of taking a position with respect to Defendants’ Cross-Motion for Summary Judgment (ECF 79-1) as well as, the Brief of Amici Curiae filed in Support of Defendants’ Cross-Motion for Summary Judgment (ECF No. 78-1).” ECF 34. At least at this juncture, the MTA/TBTA Defendants do not concur with that request. However, the parties (including the Department of Justice on behalf of the federal defendants) are scheduled to confer on this issue on Monday, January 8th. Accordingly, the parties respectfully request that the Court defer any ruling on plaintiffs’ request until the parties can report back next week on the result of the conference.

Second, on December 29, 2023, Chief Judge Bumb docketed several letters regarding a request that Your Honor recuse from this case and a related matter. ECF 37. The MTA/TBTA Defendants take the same position as the Department of Justice on behalf of the federal defendants, ECF 37-2, and as the Chief Judge, ECF 37-4, and will defer to the Court on issues of recusal.

Thank you for your consideration.

Respectfully submitted,

Sive, Paget & Riesel, P.C.

By: /s/ Dan Chorost
Dan Chorost

cc: Magistrate-Judge Wettre
Counsel for All Parties (via ECF)